

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAYMOND ARNOLD HATCH,

Plaintiff,
-against-

WACHOVIA SECURITIES LLC,

Defendant.

USDS SDNY
DOCUMENT
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DATE FILED: <u>5/2/08</u>

ORDER
07 Civ 10702 (CM)

ORDER DIRECTING PLAINTIFF TO APPEAR

McMahon, J.:

Plaintiff filed the complaint in this matter on November 30, 2007. The court scheduled the case for an initial conference on February 1, 2008, at 11:00a.m., in courtroom 21B, of the 500 Pearl Street courthouse. Notice of the conference was sent to plaintiff at the address he provided when he filed his complaint: 85 East End Avenue, New York, NY 10028. Neither plaintiff nor defendant appeared for the initial conference. Since defendant had not yet been served and because the time for plaintiff to file proof of service had not yet expired,¹ the court rescheduled the initial conference for May 2, 2008, at 11:00a.m. Notice was again sent to plaintiff at the address he provided.

At 11:00a.m., on May 2, 2008, the case was called in open court and neither plaintiff nor defendant appeared. (See transcript of proceeding dated May 2, 2008). Plaintiff's failure to appear at successive court-ordered conferences or to communicate with the court to explain why he has failed to appear, strongly suggests that plaintiff does not wish to prosecute this matter.

Accordingly, plaintiff is directed to appear in this matter on May 16, 2008, at 12:00p.m., in courtroom 21B, of the 500 Pearl Street courthouse. Plaintiff's failure to appear at the May 16 conference will result in this action being dismissed for failure to prosecute.

May 2, 2008

So Ordered:



United States District Judge

¹ Defendant was served on March 2, 2008, making defendant's answer to the complaint due March 27, 2008. Defendant has not filed an answer. It would appear that – but for plaintiff's apparent unwillingness to prosecute this action – defendant would be in default.

BY FIRST CLASS MAIL TO:

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